

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

LINCOLN LANE ADDLEMAN JR. et al.,

Plaintiffs,

v.

KING COUNTY et al.,

Defendants.

CASE NO. 2:23-cv-00286

ORDER DISMISSING FIRST AMENDED
COMPLAINT

This matter comes before the Court on Plaintiffs' two motions requesting service (Dkt. ## 28, 35) and to address, sua sponte, deficiencies with Plaintiffs' First Amended Complaint (Dkt. # 30). Plaintiffs' second motion requesting service is noted for June 23, 2023, but no defendants have appeared in the matter thus far, and there is no reason for the Court to wait further to rule on it.

A. First Amended Complaint

On March 6, 2023, Plaintiffs, proceeding pro se and *in forma pauperis* (IFP), filed their initial complaint. Dkt. ## 6, 7. On May 8, 2023, the Court dismissed Plaintiffs' complaint without prejudice because it did not meet the requirements of Federal Rule of Civil Procedure

1 8(a). Dkt. # 26. The Court granted Plaintiffs leave to file a First Amended Complaint (FAC)
 2 within 14 days. *Id.* at 4. On May 22, 2023, Plaintiffs timely filed their FAC. Dkt. # 30.

3 The Court liberally construes pleadings filed by pro se litigants and holds them “to less
 4 stringent standards than formal pleadings drafted by lawyers.” *Haines v. Kerner*, 404 U.S. 519,
 5 520 (1972). That said, “courts should not have to serve as advocates for pro se litigants.” *Noll v.*
 6 *Carlson*, 809 F.2d 1446, 1448 (9th Cir. 1987). District courts should “not supply essential
 7 elements of the claim that were not initially pled.” *Bruns v. Nat’l Credit Union Admin.*, 122 F.3d
 8 1251, 1257 (9th Cir. 1997) (quoting *Ivey v. Board of Regents*, 673 F.2d 266, 268 (9th Cir.
 9 1982)). Pro se pleadings “must meet some minimum threshold in providing a defendant with
 10 notice of what it is that it allegedly did wrong.” *Brazil v. U.S. Dep’t of the Navy*, 66 F.3d 193,
 11 199 (9th Cir. 1995). “[I]t is axiomatic that pro se litigants, whatever their ability level, are
 12 subject to the same procedural requirements as other litigants.” *Munoz v. United States*, 28 F.4th
 13 973, 978 (9th Cir. 2022).

14 As before with their initial complaint, the Court has examined Plaintiffs’ FAC and again
 15 finds that it does not meet the requirements of Federal Rule of Civil Procedure 8(a). A complaint
 16 must contain, among other things, “a short and plain statement of the claim showing that the
 17 [plaintiff] is entitled to relief.” Fed. R. Civ. P. 8(a). The FAC does not include a short and plain
 18 statement of Plaintiffs’ claims. From the way the FAC is organized, it seems like Plaintiffs bring
 19 four claims under 42 U.S.C. § 1983 against different groups of defendants. Dkt. # 30 at 3–16
 20 (describing four “federal questions”). The Court has struggled to comprehend each of Plaintiffs’
 21 claims. *See id.* For example, “Federal Question #1” asks whether five defendants “may adopt
 22 within their official capacity under state law an unofficial policy, custom or practice of
 23 vigilantism as described within the Kitsap Daily News.” *Id.* at 3. This purported claim includes
 24 a range of factual allegations that are difficult to follow, quotations to news articles that do not

1 appear to bear on Plaintiffs’ allegations, citations to exhibits that are not attached to the FAC,
 2 and vague references to the U.S. Constitution and various Revised Code of Washington
 3 provisions. *Id.* at 3–7. For claims two through four, Plaintiffs’ allegations are just as difficult to
 4 decipher, and the exact contours of their § 1983 claims remain unclear.¹ *Id.* at 7–16. While the
 5 Court is aware of its obligation to liberally construe the pleadings of pro se litigants, it is also
 6 mindful of the requirement that pleadings contain sufficient detail to give defendants notice of
 7 the claims against them. *See Starr v. Baca*, 652 F.3d 1202, 1216 (9th Cir. 2011) (“[T]o be
 8 entitled to the presumption of truth, allegations in a complaint . . . must contain sufficient
 9 allegations of underlying facts to give fair notice and to enable the opposing party to defend itself
 10 effectively.”).

11 The Court emphasizes that Federal Rule of Civil Procedure 8(a)(2) requires a complaint
 12 to be “short and plain.” Fed. R. Civ. P. 8(a)(2). And the Court cautions that it expects
 13

14 ¹ “Federal Question #2” states:

15 Did the City of Burien have authority to waive the Burien Municipal Code (BMC), Chapter
 16 10.11, regarding inoperable and unlicensed vehicles connected to sewer line fed into trench
 17 detective LuChau had filed 08/25/2015 Citizen Action Request, create unofficial custom,
 18 policy, or practice to permit burial of a sewer line just inches beneath a permitted water
 19 line for six (6) year, showing up at 312 S. 128th Street, Burien, Washington, 98168-2660,
 20 to remove tenants from property after WRIT had been VOIDED 05/01/2021, walked entire
 21 312 Easement, disregard visible sewer pipe six (6) off ground under each inoperable and
 22 unlicensed vehicle containing an occupant, having no rental, lease, or contract agreement
 23 with the property owner U.S. Bank Trust, no legal right to remain upon the property which
 24 they littered with piles of debris, allowed infestation of garbage rates, without reporting
 possible contamination of the water table, nearby wet lands, Lake Arbor, prevent an EPA
 impact statement even when inoperable and unlicensed vehicles 11/01/2021 disconnected,
 while claiming that city of Burien attorney had to be contacted about undetectable property
 survey line, where City of Attorney with Kastner Williams, Adam L. Rosenberg, made
 decision NOT TO EVICT (writing “no further action would be taken by the City of
 Burien[”]) thus honoring the verbal contract made by King County with Level III
 pedophile, rapist, kidnapper 05/01/2020, which VOIDED the WRIT OF RESTITUTION
 (Residential), and where it’s highly predictable sewer line was left in ground even though
 Photo received through Public Disclosure 03/23/2023 from City of Burien showing ten
 (10) foot lengths of sewer pipe used by Jim Champion to connect his Dreamer Canopy to
 Burien Sewer Department stacked on end 06/29/2020 in Burien photo.

Dkt. # 30 at 7–8.

1 compliance with the applicable law and procedural rules, including the Federal Rules of Civil
 2 Procedure. But recognizing that pro se litigants are “far more prone to making errors in pleading
 3 than the person who benefits from the representation of counsel,” *Noll*, 809 F.2d at 1448, the
 4 Court will grant Plaintiffs a final opportunity to address their complaint’s deficiencies. The
 5 Court therefore dismisses without prejudice Plaintiffs’ FAC (Dkt. # 30) and grants Plaintiffs
 6 leave to file an amended complaint, which shall be titled “Second Amended Complaint.” The
 7 Second Amended Complaint must include: (1) a short and plain statement of the grounds for the
 8 Court’s jurisdiction; (2) **a short and plain statement of the specific legal claims being raised;**
 9 and (3) a demand for the relief sought. *See* Fed. R. Civ. Proc. 8. Again, Plaintiffs must include
 10 all anticipated defendants and identify which claims pertain to which defendants. As before, the
 11 Court urges Plaintiffs to consult the Court’s online resources available for pro se litigants.²
 12 Plaintiffs must file their Second Amended Complaint by no later than June 15, 2023. Plaintiffs’
 13 failure to file a Second Amended Complaint that conforms to Federal Rule of Civil Procedure
 14 8(a) may affect the status of this case, including dismissal of the action.

15 B. Motions Requesting Service

16 When an IFP plaintiff so requests, “the officers of the court shall issue and serve all
 17 process.” 28 U.S.C. § 1915(d). Federal Rule of Civil Procedure 4(c)(3) further provides, “[a]t
 18 the plaintiff’s request the court may order that service be made by a United States marshal or
 19 deputy marshal or by a person specially appointed by the court. The court must so order if the
 20 plaintiff is authorized to proceed [IFP].” Fed. R. Civ. P. 4(c)(3). *See Boudette v. Barnette*, 923

23 ² As provided in the Court’s prior order (Dkt. # 26), Plaintiffs may access those resources here:
 24 <https://www.wawd.uscourts.gov/representing-yourself-pro-se>; <https://www.wawd.uscourts.gov/court-forms#Pro%20Se>.

1 F.2d 754, 757 (9th Cir. 1991) (“[A]n IFP plaintiff must request service of the summons and
 2 complaint by court officers before the officers will be responsible for effecting such service.”).

3 In their first motion requesting service, Plaintiffs ask the Court to issue summons and a
 4 copy of their complaint for 18 defendants. Dkt. # 28 at 1–3. Plaintiffs filed this motion three
 5 days after the Court dismissed Plaintiffs’ original complaint. *See* Dkt. ## 26, 28. The FAC
 6 names 11 defendants. Dkt. # 30 at 1–2. The 18 individuals and entities named in Plaintiffs’
 7 motion do not match the 11 defendants named in the FAC. *Compare* Dkt. # 28, *with* Dkt. # 30.
 8 And the 11 defendants listed in Plaintiffs’ second motion requesting service do not completely
 9 correspond with the defendants named in the FAC. *Compare* Dkt. # 30 (identifies Michael
 10 LuChau and Barbara Canfield as defendants), *with* Dkt. # 30 (does not mention Mr. LuChau or
 11 Ms. Canfield). It is also unclear whether Plaintiffs will modify their group of defendants if
 12 Plaintiffs submit a Second Amended Complaint. Finding that it would be premature to instruct
 13 the court officers to issue and serve process when the group of defendants may still change, the
 14 Court denies without prejudice Plaintiffs’ motions requesting service. Dkt. ## 28, 35. Plaintiffs
 15 may renew such a motion upon filing a Second Amended Complaint that remedies the above
 16 deficiencies identified by the Court.

17 Based on the above, the Court ORDERS that:

18 1. Plaintiffs’ First Amended Complaint is DISMISSED WITHOUT PREJUDICE.
 19 Dkt. # 30.

20 2. Plaintiffs are GRANTED leave to file a Second Amended Complaint **within**
 21 **fourteen (14) days** of the date of this Order or by **no later than June 15, 2023**.

22 3. Plaintiffs’ motions requesting service are DENIED WITHOUT PREJUDICE.
 23 Dkt. ## 28, 35.

24 /

1 Dated this 1st day of June, 2023.

2 

3 John H. Chun

4 United States District Judge